

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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| AMERICAN CIVIL LIBERTIES UNION, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | 21-cv-10719 (JLR) |
| FEDERAL BUREAU OF INVESTIGATION, |) | ECF Case |
| |) | |
| Defendant. |) | |
| |) | |
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| |) | |
| |) | |
| |) | |

STIPULATION AND ORDER OF SETTLEMENT AND DISMISSAL

WHEREAS, on or about December 15, 2021, plaintiff American Civil Liberties Union (“ACLU”) filed this action against defendant the Federal Bureau of Investigation (“FBI”) seeking to compel disclosure of documents responsive to a Freedom of Information Act request ACLU submitted to the FBI on or about January 8, 2021 (the “FOIA Request”);

WHEREAS, the FBI has released certain records to ACLU in response to the FOIA Request;

IT IS HEREBY STIPULATED AND AGREED, by and between the parties as follows:

1. The documents produced by FBI fully resolve all claims ACLU now has or may hereafter acquire against the FBI or the United States of America (“United States”), or any department, agency, officer, or employee of the FBI and/or the United States, for the release of records arising from ACLU’s FOIA Request at issue in this action.

2. As soon as reasonably practicable after the Court has endorsed and docketed this Stipulation and Order, FBI shall pay to ACLU the sum of seven thousand nine hundred twenty-

five dollars (\$7,925) for attorneys' fees and litigation costs. This payment shall constitute full and final satisfaction of any claims by ACLU for attorneys' fees and litigation costs in this matter and is inclusive of any interest. Payment shall be made by electronic funds transfer, and counsel for ACLU will provide the necessary information to counsel for the FBI to effectuate the transfer.

3. ACLU releases and discharges the FBI, the United States and its agencies, departments, officers, employees, servants, and agents from any and all claims and causes of action that ACLU asserted, or could have asserted, in this litigation arising out of ACLU's FOIA Request.

4. This action is hereby dismissed with prejudice and without costs or fees other than as provided in paragraph 2 of this Stipulation and Order, provided that the Court shall retain jurisdiction over any issues that might arise relating to the enforcement of this Stipulation and Order.

5. Nothing in this Stipulation and Order shall constitute an admission that the FBI or the United States are liable for any attorneys' fees or litigation costs, or that ACLU "substantially prevailed" in this action under 5 U.S.C. § 552(a)(4)(E), or that ACLU is entitled to or eligible for any attorneys' fees or litigation costs. This Stipulation and Order is entered into by the Parties solely for the purpose of compromising disputed claims in this case and avoiding the expenses and risks of further litigation concerning ACLU's claims for attorneys' fees and litigation costs. This Stipulation and Order is non-precedential with respect to any other proceeding involving either of the parties, including, but not limited to, any other FOIA action or administrative proceeding, and shall have no effect or bearing on any pending or future request for records made by ACLU under FOIA.

6. This Stipulation and Order contains the entire agreement between the parties, and no statement, representation, promise, or agreement, oral or otherwise, between the parties or their counsel that is not included herein shall have any force or effect.

7. Any obligation of the Government to expend funds under this Stipulation is subject to the availability of appropriations in accordance with the Anti-Deficiency Act, 31 U.S.C. § 1341. This Stipulation shall not be construed to require the Government to obligate or pay funds in contravention of the Anti-Deficiency Act.

8. This Stipulation and Order may be executed in counterparts. Facsimile or pdf signatures shall constitute originals.

DAMIAN WILLIAMS
United States Attorney
Southern District of New York

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Counsel for ACLU

Counsel for FBI

The Clerk of Court is respectfully directed to CLOSE this case.

SO ORDERED:

Dated: May 31, 2023
New York, New York



HON. JENNIFER L. ROCHON
United States District Judge